

10/587899

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| INFORMATION DISCLOSURE STATEMENT | Application # | New Application |
| | Confirmation # | |
| | Filing Date | On even date herewith |
| | First Inventor | SCHWARTZ et al. |
| | Art Unit | |
| | Examiner | |
| | Docket # | P08977US00/bas |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This IDS is submitted pursuant to 37 CFR. §1.97-1.98 and includes the following:

- ☒ A **listing** of the references on PTO-1449.
- ☒ A copy of all **non-US** references which are listed on the PTO-1449 (US refs not required).
- ☒ A copy of a corresponding foreign **Search Report** which explains the relevance of the references noted therein.

Please note the following particulars concerning the filing of this IDS:

- ☒ 1. This IDS is filed at whichever is the latest of:
 - within three months of the filing date of a NATIONAL APPLICATION other than a CPA, or
 - within three months of the date of entry into the NATIONAL STAGE as set forth in 37 CFR. §1.491 in an international application, or
 - before the mailing date of a first Office Action on the merits or after filing of an RCE (*but if a first Office Action is mailed but not yet received and the date on the face of the attached foreign communication makes it evident that this IDS is submitted within three months from the mailing of the search report, then applicant is entitled to have this IDS considered under 2.B. below and such boxes should be considered as having been checked*).
- ☐ 2. This IDS is filed **after a first Office Action**, but before a Final Action, Allowance, or any other action which closes prosecution, **and**:
 - ☐ A. Is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).

or

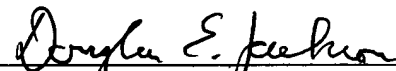
 - ☐ B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
 - ☐ C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.
 - ☐ D. An appropriate Statement is attached.

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- ☐ 3. This IDS is filed **after** a final action or allowance, but on before payment of the issue fee, and:
- ☐ A. is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).
- and
- ☐ B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.
- ☐ D. An appropriate Statement is attached.
- ☐ 4. This IDS does not comply with 37 CFR 1.97-1.98, and is being filed **for placement in the file** pursuant to 37 CFR. §1.97(i). .
- ☒ 5. It will also be appreciated that:
- a. It is believed that this IDS complies fully with 37 CFR 1.56 and 1.97-98 and with MPEP § 609; but if for some reason it does not and will not be entered, the examiner is requested to telephone the undersigned so that any deficiency can be timely remedied.
- b. Some of the documents may have markings thereon, but no significance should be attached to those markings.
- c. These documents are not necessarily analogous art.
- d. Where an English language translation of an abstract is provided from a public source, applicant cannot vouch for the accuracy of that translation.
- ☒ 6. If no payment is enclosed and a fee is due in connection with this communication or if the payment enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due with this communication to Deposit Account No. 12-0555.

Respectfully submitted,

Date: 7/28/06

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TEL: 703-739-4900 • FAX: 703-739-9577 • CUSTOMER NO. 00881

Customized PTO/SB/08a+b (07-05)

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| Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT | Application # | New Application # 10/587899 |
| | Confirmation # | |
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| | First Inventor | SCHWARTZ et al. |
| | Art Unit | |
| | Examiner | |
| Sheet 1 of 1 | Docket # | P08977US00/bas |

FOREIGN PATENT DOCUMENTS

| Exam. Initial* | Country-Number-Kind | Publ. Date MM-DD-YYYY | Name Patentee or Applicant | Relevance Passages/Figs. | Trans- lation |
|----------------|---------------------|--------------------------|-------------------------------|-----------------------------|------------------|
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NON PATENT LITERATURE DOCUMENTS

| Exam. Initial* | Include NAME of the author (in CAPS), Title of Article/Item, Date, Page(s), Volume-Issue No., Publisher, City and/or Country where published | Trans- lation |
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| | LECOMTE JM: "An overview of clinical studies with raccadiotril in adults", Int'l Journal of Antimicrobial Agents, vol 14, no. 1 2/2000 – pages 781-87 | |
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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

* Examiner: Initial if considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.